

Public Protection /Licensing
222 Upper Street, London
N1 1XR

Report of: Corporate Director of Public Protection

Meeting of: Licensing Regulatory Committee

Date: 21 June 2022

Ward: St Peters & Canalside

Subject:

LONDON LOCAL AUTHORITIES ACT, 1991 PART II

RENEWAL OF THE SPECIAL TREATMENT LICENCE HELD IN RESPECT OF LONDON GRACE, 35 CAMDEN PASSAGE, LONDON, N1 8EA

1. Synopsis

- 1.1. This is an application for a renewal of the special treatment licence under the London Local Authorities Act 1991, Part II. A copy of the application form can be found at Appendix 1.
- 1.2. The application is to renew the provision of manicure and pedicure treatments at the premises.
- 1.3. The application is subject a representation from local residents in response to the application.

2. Recommendations

- 2.1. The Committee needs to consider all the evidence before determining this application;
- 2.2. If the Committee decides to refuse the application the London Local Authorities Act 1991 section 8 permits it to do so under one or more of the following grounds:
 - (a) the premises are not structurally suitable for the purpose;
 - (b) there is a likelihood of nuisance being caused by reason of the conduct, management or situation of the premises or the character of the relevant locality or the use to which any premises in the vicinity are put;
 - (c) the persons concerned or intended to be concerned in the conduct or management of the premises used for special treatment could be reasonably regarded as not being fit and proper persons to hold such a license;
 - (d) the persons giving the special treatment are not suitably qualified;
 - (e) the premises have been or are being improperly conducted;
 - (f) the premises are not provided with satisfactory means of lighting, sanitation and ventilation;
 - (g) the means of heating the premises are not safe;
 - (h) proper precautions against fire on the premises are not being taken;
 - (i) they are not satisfied as to the safety of equipment used in the special treatment or as to the manner in which the treatment is to be given;
 - (j) they are not satisfied as to the safety of the special treatment to be given;
 - (k) satisfactory means of escape in case of fire and suitable means for fighting fire are not provided on the premises;
 - (l) the applicant has, within the period of five years immediately preceding the application to the borough council, been convicted of an offence under this Part of this Act; or
 - (m) the applicant has failed to comply with the requirements of subsection (4) or (6) of section 7.

- 2.3. If the Committee decides to renew the application it should be subject to:
- (i) the standard conditions for special treatment premises (see appendix 5);
 - (ii) the conditions of the current premises licence; and
 - (iii) any conditions deemed appropriate by the Committee including that the provision of special treatments at the premises be suspended until the statutory nuisance to residents is resolved and the licensing team are notified of this in writing by the Council's Environmental Health Team.

3. Background

- 3.1. On 29 June 2017 the licensing team received an application for both a special treatment and premises licence for London Grace, 35 Camden Passage, London, N1 8EA.
- 3.2. The licensing team received no objections to the special treatment licence application so it was deemed granted on the 27 July 2017.
- 3.3. The applicant operated similar businesses in other locations in and around London. Licensing officers visited the London Grace site located in Westminster and were advised that the premises in Camden Passage would be fitted out and operated in a similar manner. As a result licensing had no concerns in regards to the new premises.
- 3.4. The premises licence application seeking the sale of alcohol under the Licensing Act 2003 received twelve letters of representation from the local residents. It was subsequently granted with conditions by the Council's Licensing Sub Committee on the 31st August 2017. The premises licence was issued subject to the following licence condition:
- 3.4.1. the licence shall not have any effect unless the premises has been granted a Massage and Special Treatments licence issued by the London Borough of Islington. The Special Treatment licence shall be maintained.
- 3.5. On 23/10/17 initial complaints of odour and noise nuisance were received from neighbouring residents via Licensing and the Out of Hours Response and Patrol Team. The history of these complaints are contained in the Environmental Health representation to this renewal application.
- 3.6. Although approved, the Special Treatment licence had not been issued upon receipt of the initial complaint. On issuing, it was subject to an additional condition stating that:

- 3.6.1. Odour from the business shall not cause a nuisance to the occupants of any properties in the vicinity.
- 3.7. The special treatment licence was issued until the 30th September 2018. The licensee sought a renewal within the required time scale.
- 3.8. During the consultation period an objection was received from local residents. The main grounds for objecting to the renewal of the licence are:
- (i) that the building is not structurally suitable for the purpose of providing nail treatments;
 - (ii) proper precautions against fire on the premises are not being taken; and
 - (iii) concerns about the applicants ability to comply with the special licence and its conditions.
- 3.9. The matter was originally listed to be heard at Regulatory Committee in November 2018. In order to give all parties an opportunity to resolve the matter without the need for a hearing it was adjourned.
- 3.10. The applicant had undertaken works at the premises and has also ceased the provision of licensable activities on the ground floor as a result of enforcement action from both the Environmental Health and the Council's Planning Team.
- 3.11. The matter was heard by Licensing Regulatory Committee on 4 February 2019. The decision of the Committee was to renew the licence for 6 months only, and to add the following additional condition to the licence;
- (i) That the extractor fan ventilation system be operated 24/7 and maintained as such.
- 3.12. The special treatment licence was issued on 21st February 2019. A renewal application was submitted on 15th February. On the 14th March a representation was received to this application from a local resident.
- 3.13. The licence was last considered by Council's regulatory Committee on 11 June 2019 when the current licence was granted.
- 3.14. The current licence was renewed in January 2022
- 3.15. During the consultation period an objection was received from local residents. The main grounds for objecting to the renewal of the licence are:
- (i) That the building is not structurally suitable for the purpose of providing nail treatments; and

- (ii) That the resident continues to be affected by odour nuisance and the business has not resolved these issues.

3.16. Since this licence was heard by the Licensing Regulatory Committee in 2019 there have been further investigations made by the Council's Environmental Health Team and a summary of these actions is contained in Appendix 5 of this report.

4. Implications

4.1. **Financial Implications**

4.1.1. The Head of Finance reports that the applicant has paid the application fee of £341.00. Should the application be refused, the fee shall be refunded less the Council's costs in dealing with the application.

4.2. **Legal Implications**

4.2.1 The legal implications are set out in paragraph 2.1, 2.2. 2.3. In addition should the provision of special treatment licence be revoked, it would also result in the licence holders being unable to continue to sell alcohol until another Special Treatment licence is issued for the premises.

4.3. **Environmental Implications and contribution to achieving a net zero carbon Islington by 2030**

4.3.1. Committee reports need to consider the impacts that that proposals will have on the environment. An impact is defined as any change to the environment, whether positive or negative, wholly or partially resulting from Council activities. Almost all human activity has some impact on the environment, and it is very unlikely that any activity will not have any implications.

4.4. **Equalities Impact Assessment**

4.4.1 The council must, in the exercise of its functions, have due regard to the need to eliminate discrimination, harassment and victimisation, and to advance equality of opportunity, and foster good relations, between those who share a relevant protected characteristic and those who do not share it (section 149 Equality Act 2010).

4.4.2 The council has a duty to have due regard to the need to remove or minimise disadvantages, take steps to meet needs, in particular steps to take account of disabled persons' disabilities, and encourage people to participate in public life. The council must have due regard to the need to tackle prejudice and promote understanding.

4.4.3 An Equalities Impact Assessment is not required in relation to this report, because this is a decision relating to a Special Treatment Licence application under the London Local Authorities Act 1991.

4.5. **Planning Implications**

4.5.1 The Planning Team have served a planning enforcement notice for unauthorised use of the whole site. That Notice was appealed and they are awaiting a decision from the Planning Inspectorate. Until the appeal is concluded, the Notice is not in effect.

5. Conclusion and reasons for recommendations

5.1. That the committee determines this application.

Appendices:

Appendix 1: Application form

Appendix 2 Current premises licence and associated layout plan

Appendix 3 Copy of current Licensing Act 2003 premises licence

Appendix 4: Representation and addendum

Appendix 5: Local area map

Appendix 6: Hazard Awareness Notice

Background papers:

None

Final report clearance:



Signed by:

Service Director Public Protection and Regulatory Services

Date: 14 June 2022

Report Author: Licensing Team
Tel: 0207527 3031
Email:licensing@islington.gov.uk

LONDON LOCAL AUTHORITIES ACT 1991, PART II
SPECIAL TREATMENT PREMISES  **ISLINGTON**

APPLICATION FOR RENEWAL OF A SPECIAL TREATMENT PREMISES LICENCE

This form should be fully completed, signed and forwarded to:

Licensing Team, 3rd Floor, 222 Upper Street, Islington, London, N1 1XR.

Or

licensing@islington.gov.uk

Enclosing a cheque or postal order for the appropriate fee made payable to London Borough of Islington and crossed (cash should not be submitted), Payments can be made over the phone via card through the licensing team.

FOR OFFICE USE ONLY	
Worksheet Number:	
Fee Paid:	
Cheque/Postal Order No:	
Receipt Number:	
Date Received:	
Initials:	

PLEASE READ THE ACCOMPANYING NOTES CAREFULLY BEFORE COMPLETING THIS FORM

I/We apply for a renewal of the annual special treatment licence for the premises named below:

	Licence Number	LN/000018324
	Licence Holder	London Grace Limited
	Premises Name	London Grace
1.	Address of the premises:	35 Camden Passage, London
	Postcode:	N1 8EA
	Telephone Number	██████████
	Email Address	████████████████████
2	How many persons <u>registered by the Council</u> to give special treatments do you intend to employ at the premises at any one time:	
3	List the names of all Therapists employed at the premises at the time of application:	
	Name	Registration Number
1	██████████	
█	██████████	
█	██████████	
█	██████████	
█	██████████	
6		
7		
8		

I declare that I undertake to carry out the following requirements:

a. I have sent a copy of this application form to the below responsible authorities:

Islington Licensing Police C/O London Borough of Islington 3 rd Floor 222 Upper Street London N1 1XR	Fire Safety Regulations: North East Area 2 London Fire Brigade 169 Union Street City Road London SE1 0LL
CNMailbox-.IslingtonPoliceLicensingTeam@met.police.uk	islingtongroup@london-fire.gov.uk

- b. Only those treatments named on the licence will be provided at the premises;**
- c. There have been no alterations to the sanitary, ventilation, lighting, heating, means of escape or fire fighting arrangements since the grant of the current licence (if alterations have taken place, please submit written details).**
- d. There have been no alterations to the premises layout and therefore no change to the premises plans.**
- e. The only persons I will employ to provide special treatment will be those registered by the Council and I will permit them only to give those treatments specified on their identification card and registration document;**
- f. The following documents will be kept on the premises and available for inspection by authorised officers;**
- **A current Periodic Inspection Report on the electrical installation;**
 - **A certificate confirming examination of all fixed and portable electrical equipment in the last 12 months;**
 - **Fire risk assessment**
 - **Special Treatment Licence issued by the council**
- g. I am aware that the licence is subject to the standard conditions for Special Treatment premises along with any other specified additional conditions.**
- h. I am aware of the regulations of the authority concerning special treatments. The details contained in the application form and any attached documentation are correct to the best of my knowledge and belief.**

DECLARATION:

The application must be signed by the applicant proposing to carry on the establishment. In the case of a company, the Managing Director or Company Secretary must sign.

I hereby declare that the particulars contained in this document are true to the best of my knowledge and belief.

Name in Block Capitals: KIRSTEN WHITE

Signature:  _____

Position: DIRECTOR

Dated: 05/01/2022

Data Protection Act 2018 (DPA 2018) and the General Data Protection Regulation (GDPR).

The information you provide may be disclosed to: other departments within Islington Council; the Police; other Local Authorities and Government Agencies only when and where necessary for the purposes of processing your application

We will always process your information in accordance with the law - for more information on the basis on which we process, use and store your information, please refer to the Council's Privacy Policy - <https://www.islington.gov.uk/about-the-council/information-governance/data-protection/privacy-notice>.

IMPORTANT NOTE:

THIS APPLICATION IS OPEN TO INSPECTION BY THE PUBLIC

LICENCE NUMBER: LN/000018324

SPECIAL TREATMENT PREMISES LICENCE
SPECIAL TREATMENT - STANDARD

The Council of the Borough of Islington, under the provisions of Part II of the London Local Authorities Act 1991, hereby licenses:

Licence Holder: **London Grace Ltd**Trading as: **London Grace**to use the premises at: **London Grace, 35 Camden Passage, Islington, London, N1 8EA**

This licence authorises the following treatments:

Manicures

- MANICURES
- PEDICURE

This premises licence is subject to the General Standard Conditions, the relevant Treatment Specific Standard Conditions and any Additional Conditions, detailed below, specific to this licence. The licence is in force until:

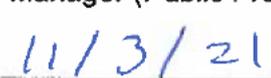
31st January 2022

Additional conditions:

1. (1) The premises requires two hand washing facilities.

Islington Council
Public Protection Division
222 Upper Street
London N1 1XR
Tel: 020 7527 3031
Email: licensing@islington.gov.uk



Service Manager (Public Protection)


Date of Issue

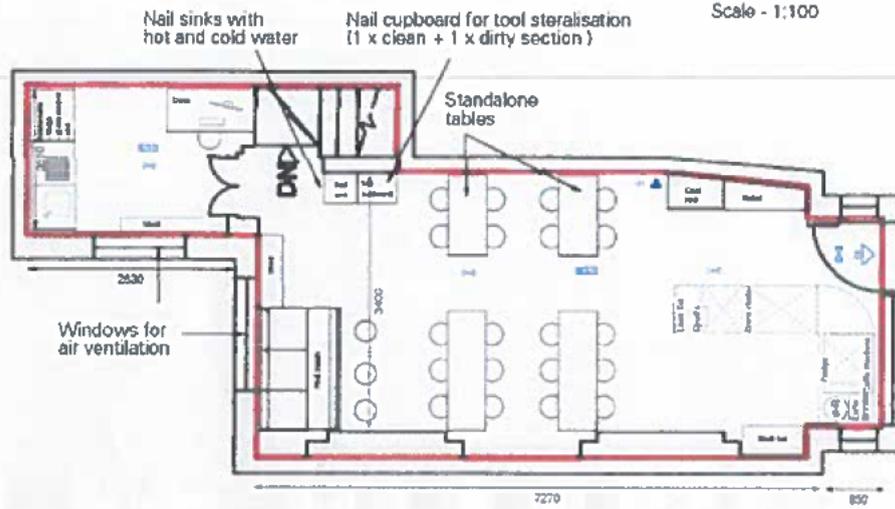
LONDON GRACE®

35 Camden Passage

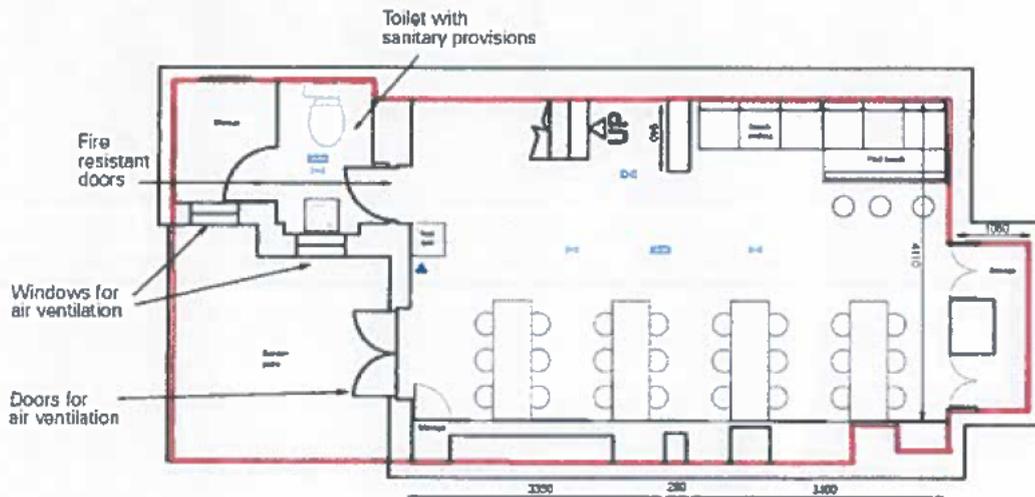
KEY	All Pressurised 300 m ² plus
	All fire resistant activities are highlighted
EMERGENCY LIGHTING	
	F101 F1
	F101 ALARM LAMP POINT - SOLARISE
	HEAT & SMOKE DETECTOR
	EXHAUSTED FIRE EXIT SIGN
	EMERGENCY LIGHTING
	FIRE EXTINGUISHER
	FIRE DOOR

Scale - 1:100

Ground Floor



Lower Ground Floor



Heating: there are a number of radiators on each floor to keep the store warm. The outgoing has confirmed that the store is a pleasant temperature when they are in use.

The Licence expires on **30th September 2018** It is the Licence Holder's responsibility to renew the licence; you will be sent an application form to renew the licence at least four weeks before the expiry date.

However, if you do not receive one please contact the licensing department or download the form from our website.

If you have any questions regarding the Licence, please do not hesitate to contact the Licensing Department.

Yours faithfully



Niall Forde
LICENSING OFFICER



**PREMISES LICENCE
LICENSING ACT 2003**

Premises licence number	LN18151-01092017	Date of original grant*	31 August 2017
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**An annual fee associated with this licence is to be paid on the anniversary of the original grant date.*

Postal address of premises, or if none, ordnance survey map reference or description			
LONDON GRACE 35 CAMDEN PASSAGE			
Post town	LONDON	Post code	N1 8EA
Telephone number			

Where the licence is time limited the dates
Not Applicable

Licensable activities authorised by the licence
Ground floor and basement
<ul style="list-style-type: none"> The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities																												
<ul style="list-style-type: none"> The sale by retail of alcohol: <table> <tr><td>Monday</td><td>11:00</td><td>to</td><td>21:30</td></tr> <tr><td>Tuesday</td><td>11:00</td><td>to</td><td>21:30</td></tr> <tr><td>Wednesday</td><td>11:00</td><td>to</td><td>21:30</td></tr> <tr><td>Thursday</td><td>11:00</td><td>to</td><td>22:30</td></tr> <tr><td>Friday</td><td>11:00</td><td>to</td><td>22:30</td></tr> <tr><td>Saturday</td><td>11:00</td><td>to</td><td>20:30</td></tr> <tr><td>Sunday</td><td>11:00</td><td>to</td><td>16:30</td></tr> </table> <p>Except on: Christmas Eve and New Year's Eve until 22:30.</p> <p>Non-standard timings: To permit the premises to be open for licensable activities for pre-booked parties from 09:00.</p>	Monday	11:00	to	21:30	Tuesday	11:00	to	21:30	Wednesday	11:00	to	21:30	Thursday	11:00	to	22:30	Friday	11:00	to	22:30	Saturday	11:00	to	20:30	Sunday	11:00	to	16:30
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Sunday	11:00	to	16:30																									

Gaming Machine Provision:
Not applicable

The opening hours of the premises:

Monday	11:00	to	22:00
Tuesday	11:00	to	22:00
Wednesday	11:00	to	22:00
Thursday	11:00	to	22:00
Friday	11:00	to	23:00
Saturday	11:00	to	21:00
Sunday	11:00	to	17:00

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

On supplies

Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence

London Grace Ltd
Ency Associates Printware Court
Printware Court
Cumberland Business Centre,
Portsmouth
P5 1Ds

Registered number of holder, for example company number, charity number (where applicable)

087941417

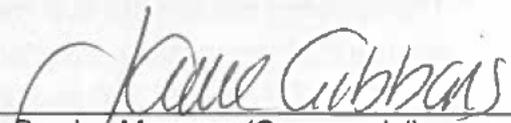
Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

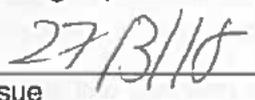
Kirsten White

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol

2014/01413/LAPER London Borough of Hammersmith and Fulham

Islington Council
Public Protection Division
222 Upper Street
London
N1 1XR
T: 020 7527 3031
E: licensing@islington.gov.uk


Service Manager (Commercial)


Date of Issue

Annex 1 - Mandatory conditions

1. No supply of alcohol may be made under the premises licence:
 - a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. All door supervisors shall be licensed by the Security Industry Authority.
4. The admission of children to the exhibition of a film shall be restricted in accordance with the recommendation of a film classification body as defined in the Video Recordings Act 1984 or Islington Council acting as the licensing authority where it has given notice in section 20(3) of the Licensing Act 2003.

There are further 'Mandatory conditions' applicable to licences authorising the supply of alcohol. A full list of the current mandatory conditions is available from the licensing pages on Islington's web site, www.islington.gov.uk. This list is subject to change by order of the Secretary of State and licensees and other responsible persons are advised to ensure they are aware of the latest conditions.

Annex 2 - Conditions consistent with the Operating Schedule

1. No beers or ciders shall be stocked, sold or supplied.
2. At all times the premises are open for the sale of alcohol, they shall operate principally as a nail bar and/or premises offering other cosmetic beauty treatments.
3. Alcohol shall only be sold or supplied to customers who are receiving nail or other cosmetic
4. beauty treatments and to no more than one other person accompanying each such customer.
5. Alcohol will only be served to customers who are seated within the premises.
6. CCTV shall be installed, operated and maintained, at all times that the premises is open for licensable activities, so as to comply with the following criteria:
7. The licensee will ensure that the system is checked every two weeks to ensure that the system is working properly and that the date and time are correct. A record of these checks, showing the date and name of the person checking, shall be kept and made available to Police or authorised Council officers on request;
8. One camera will show a close-up of the entrance to the premises, to capture a clear, full length image of anyone entering;
9. The system will provide full coverage of the interior of the premises and any exterior part of the premises accessible to the public;
10. The system shall record in real time and recordings will be date and time stamped;

11. Recordings will be kept for a minimum of 31 days and downloaded footage will be provided free of charge to Police or authorised Council officers on request (subject to the Data Protection Act 1998) within 24 hours of any request and at all times, there will be a person on the premises who can operate the system sufficiently to allow Police or authorised Council officers to view footage on request and to supply a copy of footage immediately to Police to assist with the immediate investigation of an offence (subject to the Data Protection Act 1998).
12. The premises shall maintain a refusals register and use the same to record all and any instance when a person is refused the sale or supply of alcohol, the date and time of the incident, the reason for the refusal and the name of the staff member(s) dealing with the incident.
13. The refusals register shall be checked and counter-signed by the DPS or manager in charge of the premises at least once a week and the register shall be made available for inspection by police and other authorised officers on request.
14. Any instance of crime and disorder shall be reported to the police.
15. Customers shall not be permitted to bring their own alcoholic drinks into the premises.
16. The capacity of the premises shall be restricted to a maximum of 40 customers.
17. The licence shall not have any effect unless the premises has been granted a Massage and Special Treatments licence issued by the London Borough of Islington.
18. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
19. The means or escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
20. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
21. A direct telephone number for the manager or supervisor at the premises shall be publicly available at all times the premises is open.
22. No waste and recyclable materials (including bottles) shall be moved, removed or placed in outside areas between 21 :00 and 08:00 on the following day.
23. All waste shall be properly and placed out for collection no earlier than 30 minutes before the scheduled collection times.

24. The premises will operate a Challenge 25 policy whereby any person who appears to be under the age of 25 will be required to produce a photographic proof of age in one or other of the forms specified by the mandatory conditions, before being sold or supplied with alcohol.
25. Notices advertising the policy shall be displayed at the entrance to the premises and at the bar servery.
26. All staff involved in the sale or supply of alcohol shall receive training regarding the Law relating to the sale of alcohol to children and persons who are drunk, before they commence their duties. Refresher training shall take place at least once every 12 months.
27. A written record of staff training shall be kept on the premises and made available for inspection by police and other authorised officers on request.

28.

Annex 3 - Conditions attached after a hearing by the licensing authority

29. The licence shall not have any effect unless the premises has been granted a Massage and Special Treatments licence issued by the London Borough of Islington. The Special Treatment licence shall be maintained.
30. The capacity of the premises shall be restricted to a maximum of 30 customers
31. Prominent, clear and legible notices must be displayed on the premises

Annex 4 – Plans

Reference Number: LN18151-01092017



Premises Licence Summary

Licensing Act 2003

Premises licence number	LN18151-01092017	Date of original grant*	31 August 2017
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**An annual fee associated with this licence is to be paid on the anniversary of the original grant date.*

Postal address of premises, or if none, ordnance survey map reference or description			
LONDON GRACE 35 CAMDEN PASSAGE			
Post town	LONDON	Post code	N1 8EA
Telephone number			

Where the licence is time limited the dates
Not Applicable

Licensable activities authorised by the licence
Ground floor and basement
<ul style="list-style-type: none"> The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities																												
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Gaming Machine Provision:
Not applicable

The opening hours of the premises:																												
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Where the licence authorises supplies of alcohol whether these are on and/or off supplies
On supplies

Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence

London Grace Ltd
Ency Associates Printware Court
Printware Court
Cumberland Business Centre,
Portsmouth
P5 1Ds

Registered number of holder, for example company number, charity number (where applicable)

087941417

Name of designated premises supervisor where the premises licence authorises the supply of alcohol

Kirsten White

State whether access to the premises by children is restricted or prohibited

No restrictions

Islington Council
Public Protection Division
222 Upper Street
London
N1 1XR
T: 020 7527 3031
E: licensing@islington.gov.uk

Flat,

Licensing
Islington Council
222 Upper Street
N1 1XR

10th February 2022,

RE: London Grace 35 Camden Passage Special Treatment's licence
Representations by Affected Residents:

Introduction:

Islington Council's surmised that the premises (35 Camden Passage) is **not structurally suitable for the presence of a nail/cocktail bar and party destination/venue:**

"The licensing team have concerns, based on the all the evidence submitted, that the **premises is not structurally suitable** for the provision of the licensable treatments being sought." - Jan Hart, Service Director – Public Protection – Islington Council

The Council have taken **enforcement action** against London Grace for **unlawfully occupying** the site at 35 Camden Passage. The current application under the London Local Authorities Act 1991 is a misapplication of the Act in question and the Council is in breach of its obligation.

Notwithstanding the above, we are strongly objecting on the following grounds:

(a) the premises are not structurally suitable for the purpose;

As Islington Council's own report Surmised

(b) there is a likelihood of nuisance being caused by reason of the conduct, management or situation of the premises or the character of the relevant locality or the use to which any premises in the vicinity are put;

We continue to be affected by a toxic odour nuisance that is likely to continue

(c) the persons concerned or intended to be concerned in the conduct or management of the premises used for special treatment could be reasonably regarded as not being fit and proper persons to hold such a licence;

The business have not resolved the toxic odour nuisance and have actively tried to obfuscate and gaslight us in order to remain at the unauthorised site.

(e) the premises have been or are being improperly conducted;

This is clear from the ongoing nuisance. London Grace Ltd. have operated in a premises without appropriate planning approval.

(f) the premises are not provided with satisfactory means of lighting, sanitation and ventilation;

This is clear from the ongoing nuisance.

SUMMARY OF NEGATIVE IMPACT TO RESIDENTS:

The Appellant (“London Grace Ltd.”) has impacted the fair use and enjoyment of our home since 2017 by causing us a **statutory toxic odour nuisance**.

To date, London Grace Ltd at 35 Camden Passage:

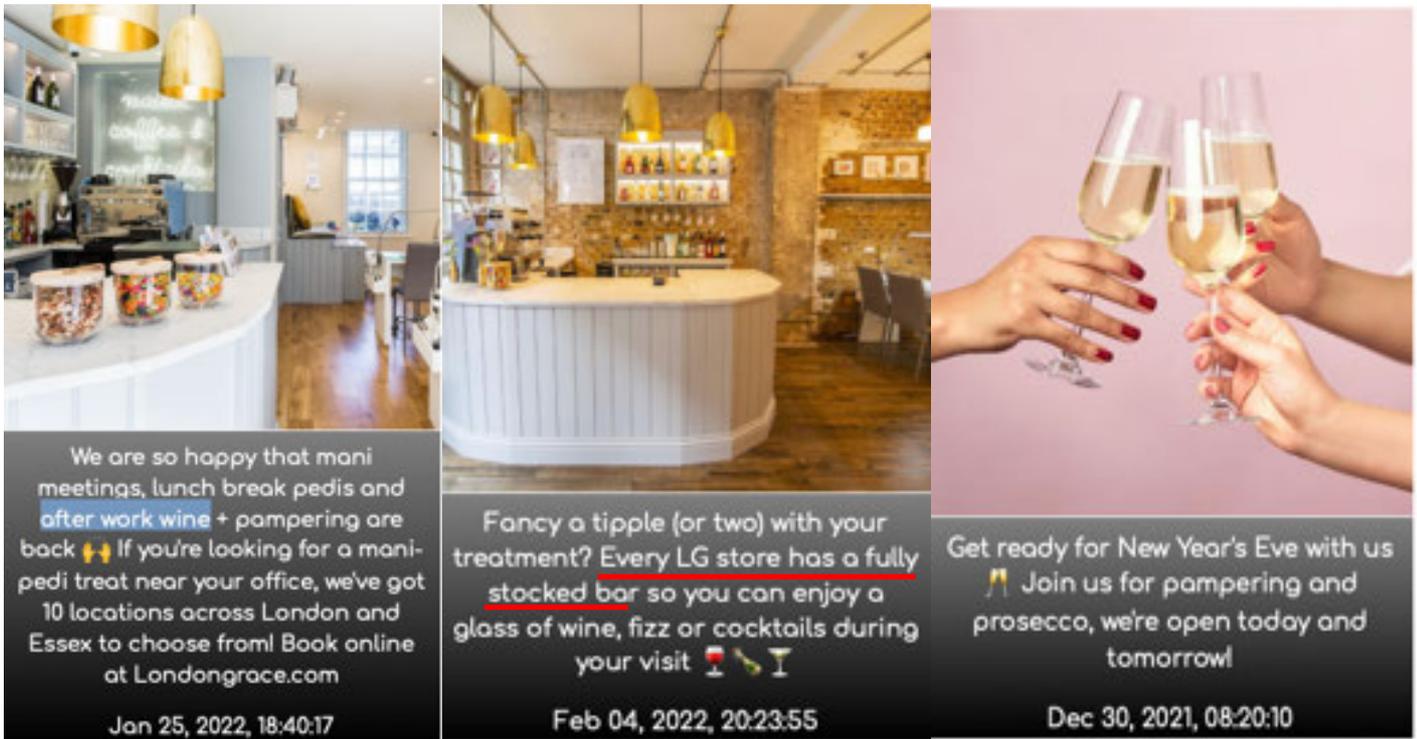
1. Have been issued by Islington Council with an **Abatement Notice** (available on request) for causing us a statutory odour nuisance (Environmental Protection Act 1990 Section 79(1) & 80).
2. The Council Officers who witnessed the toxic odour nuisance described it as follows:

“On entering through Complainants front door into the hallway the **smell of varnish immediately hits you**. **The smell was throughout the property**. On 1st floor front room C [sic] had 2 air purifiers that were on but the **smell was still very strong**. I checked the 2nd floor front bedroom and that had an air purifier that was on and the smell was the same. **In just the several minutes that I was making the assessment I left the property feeling light headed and extremely nauseous.**” (FOI)

AND; (separate occasion)

“Could smell a very strong **smell of nail varnish remover enough to make you dizzy** as soon as you enter the comps [sic] home the smell was also very strong in the living area and the kitchen which is **strong enough to stop the average person from using the room without the affects of the smell.**” (FOI)

3. London Grace Ltd are currently **still under investigation** by Islington Council who has engaged a UKAS accredited Occupational Therapist (Peritus Health Management, members of the British Occupational Health Society) to quantify the illegal levels of TVOCS emitted by the business into our home. This process is ongoing and has slowed as a result of the COVID-19 Pandemic. **We are still waiting for Michelle Webb to reply to our email dated 10th December in order to continue with the investigation.**
4. Legal proceedings have previously been initiated by Islington Council for repeated (3x times witnessed) breaches of the aforementioned Abatement Notice issued to London Grace Ltd.
5. London Grace Ltd. have operated in a premises without appropriate planning approval.
6. London Grace Ltd have breached conditions attached to their Special Treatment Licence.
7. London Grace Ltd incorrectly hold an ancillary alcohol license - given that their operations are trademarked “Nails, Coffee, and Cocktails™” and have a fully stocked bar.



8. London Grace Ltd. have been fined by Islington Council for incorrectly disposing of chemical refuse.
9. Islington Council's Anne Brothers reported (Pollution Team) that her officers witnessed:

“Reported they could hear a loud bass line of music from the shopThe officers also report a very overpowering smell of nail polish remover in the resident’s home. The officer commented in his report the smell was so overwhelming he had to stand by a window as it made him dizzy.” (FOI – available on request)

CONTINUING EFFECT OF LONDON GRACE LTD ON OUR HEALTH:

The toxic odour nuisance occurs and recurs at different levels.

For example: **9.999 µg/m3 of TVOCs and 1.006mg/m3 of HCHOs** does not feel the same as 1.578µg/m3 TVOCs and 0.400mg/m3 HCHO. (Both benchmark levels have been measured in our home – data available on request).

However, both example toxin levels impact us and are detrimental to our enjoyment, fair use, and amenity of our home, and is severely affecting our mental and physical health.

The toxic odour nuisance that London Grace Ltd are responsible for is a **hazardous health risk** to us, and there are long term health risks associated with **inhaling** these products over time, symptoms of which we are already experiencing, like: **dermatitis**.

At 9.999µg/m³ TVOCs or above, we find it:

1. **Difficult to breathe,**
2. **Start coughing,**
3. **Suffer with chest pain,**
4. **Suffer with very high resting heart rates,**
5. **Eye irritation,**
6. **Headaches,**
7. **Hollow feeling in our nose,**
8. **Mental distress.**

While at 1.578 µg/m³ TVOCs we might suffer with:

1. **Intermittent eye irritation,**
2. **headaches,**
3. **hollow feeling in our nose,**
4. **Mental distress.**

This is no way to live, as we have done, since 2017.

We would describe the **mental** and **physical** impact of both example levels as being akin to being forced to stand in the middle of the road behind the running exhaust of a bus and being **forced** to remain completely still behind it.

It ought to be remembered that we are also unable to open ANY rear windows (kitchen, bedroom, bathroom, and hallway) in order to ventilate the toxic air because the **recycled toxins come back in through our open windows** from the “Vent-Axia” fans installed (without flues) by London Grace Ltd. that vent out towards the back of the building. Thus, we can only rely on our front windows (bedroom 1 and living room) for ventilation of toxic chemical fumes.

The weather plays a large role in how much we can open these windows, **since when it is cold it is very painful to maintain windows open 12 hours a day**. Our air purifiers mitigate this to a minimal extent, and although we have purchased 3 separate units, we are nevertheless unable to clear the toxins emanating from London Grace Ltd. that leak into our home.

It should be noted that the impact is not merely **physical** or **mental**; it is **material**, too. We are always cold at home. Our energy bills have skyrocketed since London Grace Ltd began squatting at 35 Camden Passage. Therefore, there is a material change in how we interact with our home because of the actions of London Grace Ltd.

FREQUENCY: Most days of the week.

WHAT HAVE RESIDENTS DONE TO TRY TO AMELIORATE THE SITUATION?

To date we have:

1. Purchased and maintained three (3x) air purifiers (filters change costs £150 every 3 months).
2. Carried out works to try and secure the building to prevent transfer of toxins.
3. We have reengineered our solid wood flooring throughout our home to block the transfer of odours. We did this to try and abate a nuisance that is not ours to abate.
4. We have sealed our kitchen area using industrial sealant.
5. Maintained our windows open 52 weeks a year, and thereby incurred crippling energy bills.
6. Engaged proactively with Council Officer's repeated requests to witness the nuisance for over four years, while admitting the problem has not been resolved.
7. Enabled the Council to witness the problem, as has been done on multiple occasions.
8. Provided years' worth of diary sheets (available on request).
9. Provided video diaries.
10. Provided toxins data, captured using specialised instruments at our cost.
11. Provided witness statements.

In light of the above, and given the severity of the on-going amenity impacts License, the should be refused.

We have had to tolerate unacceptable toxic odours since 2017. We do not believe we have to put up with this situation any longer. Granting London Grace Ltd. another license will simply be rewarding them for dangerous and irresponsible behaviour, and will be another flagrant breach of your obligations under the law.

We therefore urge the Council to refuse the License on all these grounds.

Yours faithfully,



ADDENDUM

MINIMUM CONDITIONS TO BE ATTACHED IN THE UNJUST EVENT OF ANY RENEWAL

Should the Islington Council be minded, despite the above evidence gathered by the relevant competent authority relating to statutory nuisances (Islington Council) and our chemical data, lived experience, witness statements, diary sheets, of **damage to nearby amenity by London Grace Ltd**, to license the business to remain at this site:

Licensing conditions **MUST** be attached to:

1. **RESOLVE** the *ongoing* toxic odour nuisance and eliminate **ANY** and **ALL** statutory disturbances to nearby amenity, including toxic chemicals, barbiturates, chemical solvents, nail bar smells, and noise.
2. These remedial works **MUST** include a robust mechanical ventilation system (as the Principal Technical Officer for Housing Islington, Mr John Thake, suggested. This **MUST** include flue extractor mechanical ventilation systems for the **ENTIRE** premises with flues that vent **ABOVE** the building's roof to **prevent secondary return** of chemicals through opened windows into the residential property.
3. This system **MUST** be inspected on a regular basis.
4. **ALL** installed ventilation systems must not produce **ANY** secondary noise nuisance or impact our amenity in ANY way.
5. **London Grace Ltd. MUST comply with ALL the recommendations laid out in the Hazard Awareness Notice issued to the Appellant.**
6. Damaged party ceiling **MUST** be reinstated, as requested by the Hazard Awareness Notice and the Building Inspection Report prepared by Islington Council.
7. Guttered airbricks **MUST** be reinstated, which were found to be guttered in the Hazard Awareness Notice and the Building Inspection Report prepared by Islington Council.
8. London Grace Ltd's recessed lighting in our party ceiling **MUST** be removed and the correct separation reinstated as was demanded by the Hazard Awareness Notice and the Building Inspection Report prepared by Islington Council.
9. Commercial Premises **MUST** be **entirely** sound proofed in line with party destinations and/or cocktail venues.
10. Business hours **MUST** be shortened to 11-5pm.
11. London Grace Ltd **MUST** apply for a **full** alcohol licence.
12. London Grace **MUST** be planning authorised.

LONDON GRACE, 35 CAMDEN PASSAGE, LONDON, N1 8EA
LONDON LOCAL AUTHORITIES ACT, 1991
SPECIAL TREATMENT LICENCE RENEWAL APPLICATION

Environmental Health Update: January 2019 to June 2022

1. November 2018 to June 2019 work undertaken with legal department regarding prosecution of business for breach of notices. Work included:
 - a. Collection of statements from out of hours response teams
 - b. Collection of statements from residents which could not be submitted as evidence due to hearsay.
 - c. Evidential tests
 - d. Collation of mitigation measures undertaken by business since breaches witnessed.
 - e. Further visits by out of hours team to try and witness further breaches.
2. 16/1/19 odour record sheets received from the complainant covering 10/10/18 until 11/01/19 including the period where the business trialled 24/7 operation of the extraction fans. During that that period, 27/11/18 until 14/12/18, no instances of odour were recorded in the diary records nor were the Out of Hours Response and Patrol Team called out. As a result of this new information the business agreed to operate the extraction unit 24/7 as of Monday 21 January 2019.
3. Further smoke tests were carried out on Wednesday 30 January 2019 using the same equipment and locations as the smoke test carried out in June 2018
 - a. Test one carried out in the basement gas meter cupboard resulted in smoke traveling to the residential entrance hall within 5 minutes.
 - b. Test two, carried out in the basement treatment area resulted in no smoke traveling between the two premises.
 - c. Test two was then repeated and no smoke travelled through.
4. It should be noted that the basement extraction system did not clear the smoke from the area as effectively as the ground floor extract cleared smoke during the June 2018 tests. On 30/1/19 additional ventilation was achieved by opening all windows and doors to clear smoke. This matter was raised by the officers carrying out the smoke test for the business to take up with their installation company.

5. 5/2/19 post committee correspondence from business includes :
 - a. To confirm we have instructed our team to:
 - i. seat clients close to the extraction fan (whenever possible)
 - ii. keep the window between the treatment room and toilet open whenever possible to help with the 'mixing' described by Michael Bull; and
 - b. continue to run the basement extraction fan 24/7
6. 25/5/19 ASB Out of Hours (out of hours team) called out. No nuisance witnessed.
7. 7/6/2019 resident odour diary sheets received covering 21/3/19 to 6/6/19 and including 13 incidents, one of noise from amplified music
8. 8/6/19- ASB Out of Hours call out 17:00. Call back 17:50 advised no longer issue.
9. 11/6/19 ASB Out of Hours 20:29 call out. 20:44 call back advised no longer an issue.
10. 27/6/19 Business and residents advised that the prosecution case had been discontinued on a barrister's advice that "it was not in the public interest" Resident advised to contact the council in case of continued issues and of their ability to take S82 Environmental Protection Act action themselves using their own evidence.
11. 11/7/19 ASB Out of Hours 21:20 call out: 22:30 call back advised dissipated.
12. 14/7/19 ASB Out of Hours 12:02 – call logged
13. 17/7/19 ASB Out of Hours 9:19 call out 19:25 call back no response.
14. 20/7/19 ASB Out of Hours 16:59 – visit at 17:59 – vague smell of nail varnish in living room whilst windows open. Officer visits nail bar: no fumes inside premises, window open, extractor fan switch on
15. 20/7/19 correspondence between Service Director and residents. Residents advised to call out of hours team when an issue.
16. 28/7/19 ASB Out of Hours Saturday 12:30 -visit smell dissipated on arrival. Resident advised they had ventilated by opening windows prior to visit.
17. 6/8/19 18:50 ASB telephone conversation with resident. So bad resident left residence. Resident went back to check and advised at 19:10 that smell had dissipated.
18. 28/8/19 visit by ASB Out of Hours. Smelled varnish smell in business. Entered residential premises, officers smelled similar odour in ground floor hall area which diluted as they went upstairs into residential area but was noticeable over two storeys.
19. 28/8/19 diary sheets received covering 15/8 to 28/8/19 some incidents plus period 23/8-28/8 where resident felt levels were unusually low and perhaps different use of chemicals.

20. August & September 2019- in response to receipt of odour diary sheets the business is visited to attempt to correlate peak odour allegations with peak business use. No obvious correlation between peak use, calls to ASB Out of Hours and peak allegations on odour diary sheets.
21. 12/9/19 am request from resident for EHO to attend. EHO not immediately available and complainant not able to accommodate visit later in the day.
22. 3/12/19 meeting at business to review findings as Angel BID (business improvement district) had funded VOC (volatile organic compounds) monitoring in the business.
 - a. Average VOC levels between 50-70 PPM in the business.
 - b. Only remaining works are sealing around gas meter area in basement but this is dependent on gas meter, belonging to residential, being relocated so works can be carried out. LG (London Grace) agree to put pressure on freeholder to negotiate relocation with residents.
23. No diary sheets, call outs, emails between 1/12/19 and 14/7/20. Premises largely closed from March 2020 to July 2020 due to lockdown.
24. 14/7/20 Business reopens and new complaint received from existing residents. Resident advise some remedial works carried out to residential property over lockdown including some sealing of floorboards and some sealing of kitchen area.
25. 3/9/20-13/4/21 no odour diary sheets received.
26. 13/4/21 email from residents with diary and video recording of their own monitoring of VOCs and other chemical compounds using their own monitoring equipment.
27. 13/4/21 correspondence with business seeking and receiving confirmation that extraction remains in constant use during business hours and that they have moved to specially commissioned products that are less than 50% acetone for wrap removals.
28. 13 to 19 April 2021 calls to ASB Out of Hours but no home visits being undertaken at present due to covid risk assessments.
29. April/May 2021 Public Protection (PP) agreed to commission the services of an independent Occupational Hygienist (OH) trained to the standards prescribed by the British Occupational Hygiene Society to monitor in both business and residential premises to investigate
 - a. Volatile Organic Compounds levels
 - b. Allegations of formaldehyde fumes.
 - c. Issues with the structure causing delays/accumulations of odours and/or unusual routes of transmission.
30. 28/5/21 residents and business agree to an investigation by an independent Occupational Hygienist proposal in principle.

31. 8/6/21 business provides full set of data sheets to Environmental Health and the Occupational Hygienist. The Occupational Hygienist advised from the information provided to them there were no formaldehyde containing chemicals in use at the business.
32. 25/6/21 appointed Occupational Hygienist specialist visited business to assist themselves with devising appropriate monitoring strategy and look at any obvious issues arising. Nothing obvious observed at time of visit -some nail service observed. Occupational Hygienist visited alone so as to not be influenced by PP previous measures while developing their methodology. Occupational Hygienist confirmed types of chemicals used by the business consistent with data sheets supplied.
33. July 2021 Environmental Health requested residents' permission to share their recording data with appointed Occupational Hygienist.
34. August & September Occupational Hygienist refined their proposal methodology of the investigation methodology to reflect incorporating June visit, business data sheets and residents monitoring information.
35. 1/10/21 first set of dates offered to resident and businesses. 3 dates given- all set for Fridays which Occupational Hygienist specialist had devised as best date to monitor as frequently the busiest day.
36. 1/10/21 business response. 5/10/21 resident request for more time to discuss etc.
37. 5/11/21 correspondence with residents advising ASB Out of Hours can be called out but covid risk assessment requiring adequate ventilation and wearing of face masks may reduce efficacy of visits but requesting continue to maintain diary sheets. Alternate late November and December dates offered for Occupational Hygienist visits to both business and residents.
38. Advised 12/12 not convenient for business and misunderstanding with residents meant other December dates missed.
39. 14/12/21 Planning inspectorate site visit with full access to business premises.
40. 1/4/22 update to residents on status of Hazard Awareness Notice that was served on freeholder and residential leaseholder. Misunderstanding meant PP unaware that residents were awaiting this clarification before they agreed dates for Occupational Hygienist visit.
41. 6/4/22 request from Service Manager to resident requesting dates to avoid over spring/summer for onsite Occupational Hygiene monitoring in business and residential areas.
42. 20/4/22 resident suggests alternative proposal for nail treatment bookings for day of Occupational Hygienist monitor. This is communicated to the Occupational Hygienist by email 19/5/22 and then discussed 13/6 22.
43. 13/6/22 Occupational Hygienist agree residents 3 hour block booking proposal providing their original methodology is followed in tandem on the day i.e. full days monitoring on both business and residential premises with member of the team with equipment in each site. Residents requested to liaise with

Occupational Hygienist and business regarding suitable date for Occupational Hygienist monitoring.

44. 13/6/2022- Last odour diary sheet received prior to December 2020. Video diary of monitoring equipment received in April 2021. Last ASB Out of Hours call out April 2021.

Environmental Health Report

October 2017 to January 2019

Islington Licensing Authority
Licensing Act 2003

REPRESENTATION FORM FROM RESPONSIBLE AUTHORITIES

Responsible Authority Environmental Protection

Your Name	Michelle Webb
Job Title	Environmental Health Manager
Postal and email address	222 Upper Street, London N1 1XR Michelle.webb@islington.gov.uk
Contact telephone number	020 7527 3852

Name of the premises you are making a representation about	London Grace
Address of the premises you are making a representation about	35 Camden Passage London N1 8EA

<i>Which of the four licensing Objectives does your representation relate to?</i>		<i>Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary</i>
To prevent public nuisance	Yes	See attached summary.

Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.	
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Signed: _____ Date:

Please return this form along with any additional sheets to: Licensing Support Team, Public Protection, 222 Upper Street, London N1 1XR or email to licensing@islington.gov.uk

This form must be returned within the Statutory Period. For more details, please check with the Licensing Support Team on 020 7527 3031

Summary

1. On 23/10/17 initial complaints of odour and noise nuisance received from neighbouring residents via licensing and the Out of Hours Response and Patrol Team.
2. The most recent call out was on 11/1/19.
3. A summary of the enforcement activities related to nuisance over the period 21/10/17 to 11/1/19 includes:
 - 3.1. 27 call outs to the Out of Hours Response and Patrol Team
 - 3.2. 9 call outs where an odour nuisance was witnessed (21/10/17, 28/10/17, 30/11/17, 16/1/18, 8/2/18, 26/4/18, 18/9/18, 27/10/18 and 11/1/19). On all of these occasions, officers identified that the smell in the shop was the odour they could smell in the complainant's premises.
 - 3.3. 12/6/18 a smoke test was carried out by Donna Garner (DGA) and Ahmet Kemal (AKE) (Senior EHOs) establishing smoke travels directly from the basement of LG into the hallway of the residential premises via the ceiling space and the gas meter cupboard. (Note this cupboard houses the gas meter for the residential premises in the basement of the commercial premises)
 - 3.4. S80 Environmental Protection Act notice served on London Grace on 20/6/18 requiring them to abate the nuisance. Notice is extended until 31/8/18 on request of LG as some remedial works are dependent on a third party. See Appendix A.
4. A more detailed overview of the case includes:
 5. 26/10/17 DGA visited the business and carried out both a nuisance and health and safety assessment. At this time the business had been made aware of the issues and offered the following information:
 - 5.1. There was to be no use of glue or acrylic nail products on site.
 - 5.2. Their nail varnish had been specially commissioned so as not to use the main 5 chemicals associated with odour and side effects in the nail industry, i.e. Toluene, Dibutyl Phthalate (DBP), Formaldehyde, Formaldehyde resin and Camphor.
 - 5.3. Acetone based nail varnish remover was only used to remove gel varnish.
 - 5.4. They had commissioned a ventilation engineer to offer advice on extraction systems.

6. 31/10/17 DGA visited the complainant and identified some structural issues that might lead to odour transfer between commercial and residential premises.
7. In between 30.10/17 and 6/12/17 LG carried out work to seal airbricks and some gaps in cupboards and install a ventilation extract fan in the round floor salon.
8. 21/12/17 an appointment was made, by DGA, to carry out a more detailed visit on a day when LG had maximum bookings so as to enable identification of route of transmission, this was cancelled by the complainants and then re organised for 27/1/18.
9. 25/1/18 investigative visit carried out to the business by DGA and Michelle Webb (MWE) post visit advice to business included:
 - 9.1. Use of lidded bins for disposal of "take off materials"
 - 9.2. Installation of local exhaust ventilation including HABIA guidance on best practice in nail bars.
 - 9.3. Liaison with the electrician and builder to reinstate the fire separation.
 - 9.4. Referral to the Fire Safety officer.
 - 9.5. Improve the seal on the chimney breast air bricks.
 - 9.6. Designate specific workstations for Acetone wrap take offs and site these as close as possible to existing mechanical ventilation.
 - 9.7. Liaise with freeholder regarding structure of the building.
10. 27/1/18 investigative visit carried out at complainant's premises by DGA and MWE post visit advice to complainants included:
 - 10.1. to take up LG offer to contact directly.
 - 10.2. To keep diary sheets.
 - 10.3. To continue to contact the department when the odour is a problem.
 - 10.4. To cover the air brick in the front bedroom as you have done in the rear bedroom.
 - 10.5. To perhaps fill the gaps between the floorboards in the hallway.
 - 10.6. To investigate how the chimney breast was blocked off before it was cut into for the cooker in the kitchen.
11. 31/1/18 Information was provided regarding basement light fittings by LG electrician and the case was referred to the fire safety team who visited in February 2018 and advised it was compliant.
12. A smoke test was carried out 12 June 2018 and smoke clearly travelled from the basement into the complainant's property. The case was referred once more to the fire service, residential EH and a S80 EPA notice was served requiring LG to abate the nuisance.

13. A series of remedial actions were identified in relation to fire separation that are the responsibility of all three parties: freeholder, residential leaseholder and commercial leaseholder and on request of LG the notice period was extended to 31/8/18.
14. Since the service of notice LG have:
 - 14.1. Installed a second extract system in the basement of the shop.
 - 14.2. Reinstated the ceiling in the basement area.
 - 14.3. Temporarily sealed the gas meter cupboard in the basement (awaiting removal of the gas meter by freeholder/residential leaseholder before permanent solution).
 - 14.4. Trialled 24/7 operation of extract system from 27/11/18 to 14/12/18.
15. Since the notice has expired odour nuisance has been witnessed 3 times by the Out of Hours Response and Patrol Team on 18/9/18, 27/10/18 and 11/1/19.
16. Possible solutions suggested to LG that have not been taken up include:
 - 16.1. Installation of local exhaust ventilation as per Habia guidance.
 - 16.2. Permanently overrunning the ventilation extract system outside of working hours.
 - 16.3. Relocation of Acetone use to an area close to the extract fans.
17. Possible remedies that may help with the odour nuisance that have been suggested to the complainants and not addressed include:
 - 17.1. Filling gaps between the floorboards in the ground floor entrance hall.
 - 17.2. Investigation of the building in to the shared chimney breast in the kitchen.
 - 17.3. Relocation of the residential gas meter from a cupboard in the basement of the commercial premises into the residential premises to enable the ceiling to be permanently sealed.
 - 17.4. Works listed in the hazard warning report attached in Appendix B.
18. It should be noted that Commercial EH are currently trying to organise a further smoke test and also preparing a prosecution folder to be sent to legal regarding breaches of the S80 notice.
19. It should be noted that LG have recently converted the ground floor to retail only and relocated all nail bar services to the basement area. This is still subject to a planning enforcement investigation.
20. It should be noted that there remain works outstanding that are the responsibility of the Freeholder as well as the commercial and residential leaseholders.

21. It should be noted that it is not a straightforward solution to resolving the odour nuisance and it should be considered if a building with this current structure is in fact a suitable location for a nail bar. However, this is not clear given that there remain possible remedies that have not yet been implemented by all three parties.

91S LINGTON

TeamC

T 020 7527 3208Ext

F 020 7527 3097Fax

E john.thake@islington.gov.uk

W www.islington.gov.uk

Our ref: 180023927

Your ref:

Date: 25 July, 2018

The Company Secretary
Benchlevel Developments Ltd.
58-60 Bernere Street
London
W1T 3JS

This matter is being dealt with by:

John Thake

Dear Sir/Madam

HOUSING ACT 2004, SECTION 29 - HAZARD AWARENESS NOTICE
HOUSING HEALTH & SAFETY RATING SYSTEM (ENGLAND) REGULATIONS 2005
ADDRESS: 35 Camden Passage, Islington, London N1 BEA

I refer to my recent inspection of the above property under the provisions of the above legislation.

The Housing Health and Safety Rating System is a way of assessing the condition of residential premises and determining if any hazards exist. A hazard exists if:

- There is a risk of harm to the health and safety of anyone occupying, or likely to occupy, a dwelling, and
- Where that risk is caused by a deficiency in the dwelling, for example as a result of the construction of the building or lack of maintenance or repair.

For more information on the Housing Health and Safety Rating System please see the council website: www.islington.gov.uk/Housing/PrivateHousing/conditions.asp.

My inspection of the above dwelling identified Hazards which is shown on the attached Notification of Hazards (Schedule 1) for your information.

The council has a duty to take action in respect of any Category 1 hazards and it is council policy to take action for certain Category 2 hazards. Under Section 29 of the Housing Act 2004, the council is serving a Hazard Awareness Notice on you. This Notice advises you of the existence of Category 2 hazards and **whilst not requiring you to carry out any works**, recommends you take remedial action in relation to the hazards. The council considers the works specified in the Schedule 2 of this Notice to be practical and appropriate.

If you have any further queries then please contact me on 020 7527 3208.

Yours faithfully

A blue, handwritten signature, likely 'J Thake', written in a cursive style.

John Thake
Principal Technical Officer

Copy of this letter and notice has been sent to:

Alan Halil, Property Manager, JMW Barnard Management Ltd. 181 Kensington High Street, London W8 6SH

BENCHLEVEL DEVELOPMENTS Ltd. care of 103 Portobello Road, London W11 208
and care of Freeman Box Solicitors (reference RD/H10774-147), 8 Bentinck Street, London W1U 2BJ.

HOUSING ACT 2004
SECTION 29
HAZARD AWARENESS NOTICE

Notice No. 180023927

An identical notice has also been served on:

To: Benchlevel Developments Ltd.
58-60 Bemers Street
London
W1T 3JS

Serene John-Richards
The Flat
35 Camden Passage
London N1 BEA

1. You are the owner of the dwelling known as **35 Camden Passage, Islington, London, N1 SEA** C'the premises'!
2. Islington Council ("the Council") is satisfied that Category 2 hazards exist(s) on the premises and is further satisfied that no Management Order is in force in relation to the premises under Chapter 1 or 2 of Part 4 of the Housing Act 2004.
3. This notice is served as the deficiencies specified in **SCHEDULE 1** give rise to the hazards at the premises as specified in **SCHEDULE 1**.
4. Under Section 29 of the Housing Act 2004 the Council advises you of the existence of the Category 2 hazard and, **whilst not requiring you to carry out any works**, advises you that it considers the works specified in **SCHEDULE 2** to this Notice to be practical and appropriate remedial action to be taken in relation to the hazard.
5. The Council considers the service of this **Hazard Awareness Notice** as the most appropriate course of action under Section 7(2) of the Housing Act 2004 for the reasons stated in the attached statement of reasons.

See SCHEDULE 2 for specification of works to be carried out.

Dated: 25th July 2018

Signed: 
Title: Principal Technical Officer
Authorised Officer

NOTE: The principal Environmental Health Officer dealing with this matter is: John Thake who can be contacted at:

Residenti I Team C
Public Protection Division
222 Upper Street
London N1 1XR

Telephone: 020 7527 3208

SEE NOTES ON REVERSE

Notes

Meaning of "category 1 hazard" and "category 2 hazard"

"Category 1 hazard" means a hazard of a prescribed description which falls within a prescribed band as a result of achieving, under a prescribed method for calculating the seriousness of hazards of that description, a numerical score of 1000 or more.

"Category 2 hazard" means a hazard of a prescribed description which falls within a prescribed band as a result of achieving, under a prescribed method for calculating the seriousness of hazards of that description, a numerical score below 1000;

"hazard" means any risk of harm to the health or safety of an actual or potential occupier of a dwelling or HMO which arises from a deficiency in the dwelling or HMO or in any building or land in the vicinity (whether the deficiency arises as a result of the construction of any building, an absence of maintenance or repair, or otherwise).

"prescribed" means prescribed by The Housing Health and Safety Rating System (England) Regulations 2005 www.opsigov.uk/si/si2005/20053208 (see section 261(1)); and "prescribed band" means a band so prescribed for a category 1 hazard or a category 2 hazard, as the case may be.

Advice

If you do not understand this notice or wish to know more about it, you should contact the Council. If you want independent advice about your rights and obligations, you should go to a Citizens' Advice Bureau, Housing Aid Centre, Law Centre or a solicitor. You may be able to obtain help with all or part of the cost of legal advice from a solicitor under the Legal Aid Scheme. If you do not know whether you could apply for Legal Aid you can see a solicitor who may be prepared to give you half-an-hour of legal advice for a small fee. If you want to know more about the works the Council requires you to do, you may wish to consult a surveyor.

HOUSING HEALTH & SAFETY RATING SYSTEM (ENGLAND) REGS 2005
HOUSING ACT 2004 SECTION 29

STATEMENT OF REASONS

RE: 35 Camden Passage, Islington, London, N1 SEA

The authority is satisfied that Category 2 hazards exists at the above premises and that action should be taken in respect of those hazards.

In determining the most appropriate action regard has been given to the following:

- Views of the owner who had been consulted during previous visits to the premises.
- Views of the occupiers who was present during the inspection of the premises.
- Nature and severity of the hazard. The authority considers that giving advice but not taking enforcement action to reduce/remove them is appropriate at this time.
- Impact course of action would have on the local environment by improving the fire safety of the premises and surrounding buildings in a densely populated area.
- Consideration of Listed Building status. **The interior of the building does not have listed status.**
- Value of the property is not relevant in this case.

The following actions (in bold) were considered before the authority made its decision:

1. The service of a **Hazard Awareness Notice** is the most appropriate course of action to deal with the Category 2 hazards identified in the premises due to the nature of the hazard and the risk they pose to occupiers of the property. The authority considers that giving advice but not taking enforcement action to reduce/remove them is appropriate [in this case] [at this time].
2. The service of an **Improvement Notice** is not an appropriate course of action to deal with the Category 2 hazards identified in the premises because the hazards are not considered to be severe enough to warrant enforcing the works indicated in the schedule. It is considered reasonable to give advice about the hazards and recommend remedial action.
3. The service of a **Suspended Improvement Notice** is not an appropriate course of action because remedial works can be carried out as advised.
4. The making of a **Prohibition Order** is not an appropriate course of action because it is reasonable and practicable to give advice about the remedial works to remove/reduce the hazards in this case.
5. Taking **Emergency Remedial Action** or making an **Emergency Prohibition Order** are not appropriate courses of action in this case because the hazards encountered do not pose an imminent risk of serious harm to the health and safety to occupiers and visitors to the property.
6. There are no good reasons known to the authority that would warrant considering serving a **Suspended Prohibition Or er.**
7. **Demolition or clearance** are not the most appropriate courses of action because of the high values of property in Islington and the demand on available units of accommodation within the area.

Decision

The decision is to serve a **Hazard Awareness Notice** which is considered to be the most reasonable and appropriate means for dealing with the hazard identified in the premises.

HOUSING HEALTH & SAFETY RATING SYSTEM (ENGLAND) REGS 2005

HOUSING ACT 2004 SECTION 12

SCHEDULE 1 (DEFICIENCIES AND HAZARDS ARISING)

RE: 35 Camden Passage, Islington1 London1N1 BEA

BACKGROUND

Description of Premises.

Construction.

Nineteen century brick built with solid walls, mid terraced, back to back of four stories including the basement. The ground floor has a front bay window shop front. The roof of the main building is pitched with flat roof to the three story rear extension. There is a light well to the rear of the building. It is noted that no building control records are held for this property so the assumption is it was converted without building control approval.

Accommodation.

Ground floor and basement commercial premises currently being used by London Grace as a nail bar. Both basement and ground floors are open plan with separate bathroom in the basement rear extension with a separate office above the bathroom on the ground floor.

The first and second floors form one residential flat. The first floor consisting of front sitting room, separate rear kitchen and bathroom in the rear extension. The second floor consists of front bedroom and rear bedroom.

Nature of Hazards under the Housing Health & Safety Rating System (HHSRS).

1.0 HHSRS Hazard No. 24 Fire Band D

- 1.1 Although the basement and shop have an automatic fire alarm and detection system with a control panel the system covers the commercial unit only and is not linked to alert occupiers of the flat above in the event of a fire in the commercial areas below the flat.
- 1.2 The flat has no working smoke alarms and no fire door to the kitchen which is open to the landing and stairs with the sleeping areas on the floor above.
- 1.3 The basement recessed lights are visible through ground floor floorboards in the flats ground floor entrance hall which would allow smoke and fire to spread into the flat in the event of a fire in the basement.

2.0 HHSRS Hazard No. 10 Volatile Organic Compounds Band E

- 2.1 The basement recessed lights are visible through ground floor floorboards in flats ground floor entrance hall and likely source of fumes/odours in ground floor entrance hall of the flat as well as for smoke in the event of a fire in the basement.
- 2.2 There are two chimney stacks one to the front of the building which pass through the front shop area and the first floor front sitting room and second floor front bedroom and out through the roof. The other is to the rear of the shop passing through first floor rear kitchen and second floor rear bedroom and out through the roof. A plastic waste pipe passes through the basement chimney areas and a lack of an effective seal around the hearths, services and the chimney stack would allow fumes/odours to pass through the building as well as the spread of fire.

3.0 HHSRS Hazard No.6 Carbon monoxide & fuel combustion products Band G

- 3.1 The basement rear cupboard contains a gas boiler for the shop with its flue through the rear wall into the rear light well with an air brick above. There is also an expel air fan in top glass panel of the doors venting onto the rear light well near the boiler flue and air brick. The close proximity of these could be drawing fumes/odours back into the building and convection up the chimney.
- 3.2 The first floor rear kitchen has a cooker inserted into the alcove formed in the chimney breast it is unclear if the cooker vents into the chimney or how the chimney is sealed at ground floor level and if the use of cooker fan if fitted causes a convection effect drawing fumes from the ground floor shop areas or from the basement expel air fan back into the air brick and up the chimney.

HOUSING HEALTH & SAFETY RATING SYSTEM (ENGLAND) REGS 2005

HOUSING ACT 2004 SECTION 12

SCHEDULE 2 (WORKS REQUIRED TO REDUCE/REMOVE THE HAZARDS)

RE: 35 Camden Passage, Islington, London, N1 BEA

1.0 HHSRS Hazard No. 24 Fire

- 1.1 The fire separation between the commercial and residential needs to provide 60 minutes' fire separation at the walls, ceilings and floors.
- 1.2 The basement and shops automatic fire alarm and detection system needs to be linked to a sounder in the flat to alert occupiers of the flat above of a fire in the commercial areas below.
- 1.3 A mains wired smoke alarm system are required at each level within the flat which complies with the requirements of BS 5839 Part 6, 2004
- 1.4 A 30-minute fire door is required to the first floor flats rear kitchen which meets the requirements of BS 476: Part 22:1987.

2.0 HHSRS Hazard No. 10 Volatile Organic Compounds

- 2.1 For fumes/odours to transfer between premises, two conditions must exist. First, there must be a hole, or pathway, for the air to move through and, second, there must be a driving force to push the air through the hole.

Despite appearances, buildings can have relatively leaky interior: ceilings, floor and wall partitions that allow air to move through the building. Fumes/odours transfer between apartments would not otherwise be possible. There may be leakage pathways through the walls and floors separating the two properties, above and below the apartment, through electrical outlets and switches, - wiring penetrations, - plumbing penetrations, - ducts, - Joints between the walls and floors that define your buildings boundaries - false ceilings and chimneys.

3.0 HHSRS Hazard No.6 Carbon monoxide & fuel combustion products

- 3.1 The basement rear flue need to be extended to 1.2 meters above the air brick.
- 3.2 The second floor boilers flue need to be located and checked for gas regulations compliance.
- 3.3 Redundant flues need to be removed and openings sealed.

MISCELLANEOUS

References to the "left" and "right" are stated throughout as though standing at the front door of the flat.

The Environmental Health Officer must be informed of the date for the start of works.

Whilst works are in progress, due care and attention is to be paid towards the provisions of the Health and Safety at Work etc. Act 1974 and Control of Pollution Act 1974. While works are in progress, the common hallways, landings and stairways should be kept free from accumulations of rubbish, debris and materials etc. On completion of the works, the site should be left in a clean tidy condition and free from builders' debris.

When carrying out the foregoing works, ensure all surfaces disturbed or damaged are made good, decorated and left to match existing.

All works shall be carried out in a proper manner to the satisfaction of the Local Authority. Where British Standards or Codes of Practice are applicable, they should be adhered to.

Your attention is drawn to the requirements of the Control of Asbestos Regulations 2006 and The Management of Health and Safety at Work Regulations 1999. Before carrying out works and in accordance with the provisions of Health and Safety Asbestos Survey Guide (HSG264), you are strongly advised to ensure that a refurbishment survey of the premises is undertaken prior to any works being commenced.

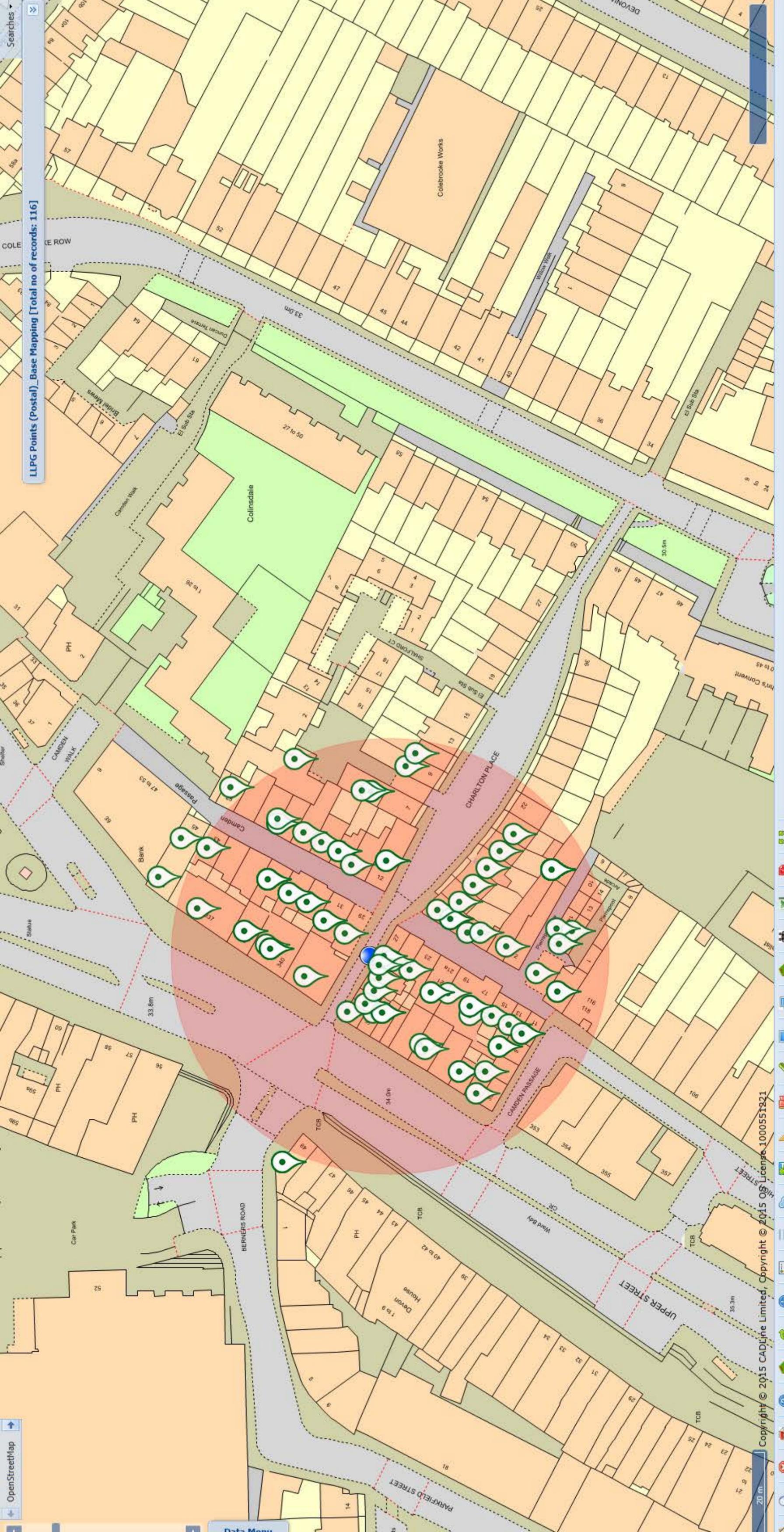
It should not be presumed that materials in the premises are asbestos free unless there is strong evidence to support this. If you require further advice or guidance on this please contact Islington Council, Residential Environmental Health for advice on 0207 527 3083.

The building may be listed or in a conservation area, if so special requirements apply to building works and some of the repairs specified in this schedule may have to be altered. For further information, contact: 0207 527 2000

All gas installations and supply pipes must comply with current Gas Safety Regulations.

All wiring to comply with BS 7671 requirements for electrical installations IEE Wiring Regulations 17th edition.

Proper advance notification of works shall be given to the residents and all necessary aid given for moving furniture and fittings, protecting possessions and providing alternative services as necessary.



LLPG Points (Postal)_Base Mapping [Total no of records: 116]

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OpenStreetMap

Data Menu

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